

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK S. KAHN, as Trustee of the MARK
S. KAHN SECOND AMENDED AND
RESTATEDED TRUST AGREEMENT u/a/d
DECEMBER 18, 1996 and KAHN FAMILY,
L.L.C., Michigan limited liability company,

Case No: 2:08-CV-14417
Hon. George Caram Steeh

Plaintiffs,

vs.

GARY RAN, an individual, TIM REAL
ESTATE MEZZANINE FUND I, LLC, a
Michigan limited liability company, TIM
REAL ESTATE MEZZANINE ADVISORS, LLC,
a Michigan limited liability company, TELELUS
CAPITAL PARTNERS, LLC, a Delaware limited
liability company, TELELUS INVESTMENT
MANAGEMENT, LLC, a Delaware limited
liability company,

Defendants.

STIPULATED ORDER RESTRICTING SUBPOENA AND PROTECTIVE ORDER

Plaintiffs having issued a subpoena to Comerica Bank dated September 8, 2009 (the “Subpoena”), non-parties Graham Orley and Joseph Orley (“the Orleys”) and 26 Shelby No. 2 LLC (collectively, the “Objectors”) having filed a motion on October 1, 2009 for Protective Order or to Modify the Subpoena, and Plaintiffs and Objectors, as evidenced by their signatures attached hereto, having agreed to limit the scope of the Subpoena as described herein, the Court hereby enters this Protective Order (“Protective Order”) modifying the Subpoena and forbidding inquiry into certain matters as provided herein.

IT IS HEREBY ORDERED that the scope of the Subpoena is limited to records and statements of the corporate entities identified in the Subpoena and shall not require production

of, and no deponent shall produce or otherwise disclose, any document that contains financial information regarding the Orleys, O Grand VIII Limited Partnership or O Grand X Limited Partnership, including but not limited to loan applications, financial statements, guarantees and other documents evidencing the Orleys' personal financial worth.

IT IS SO ORDERED.

Dated: October 14, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
October 14, 2009, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk

Approved as to form:

s/ Michael P. Herzoff
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